

LAW OFFICES OF NEIL JON BLOOMFIELD

Neil Jon Bloomfield, Esq. (State Bar No. 52235)
901 E Street, Suite 100
San Rafael, CA 94901
Telephone: 415-454-2294
Facsimile: 415-457-5348
njbloomfield@njblaw.com

Attorneys for Defendant
ULI ZANGPO

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MARK MORRISON.
Plaintiff,

vs.

ULI ZANGPO,
Defendant.

) No. CV 08 1945 EMC

)

) **ADMINISTRATIVE REQUEST TO**
) **STRIKE LATE-FILED SUR-REPLY**
) **WITHOUT LEAVE OF COURT**

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Plaintiff Morrison's improperly filed "Second Declaration of Mark Morrison in Support of Opposition to Dismiss Due to Lack of Jurisdiction" (filed July 11, 2008 as Document #33) should be stricken from the record. The hearing on this Motion to Dismiss is scheduled for July 23rd, 2008, and the parties completed briefing on July 9, 2008.

The "Declaration" should not be considered by the Court for two reasons. First, it is not simply a supplemental declaration in support of Plaintiff's Opposition papers (the late filing of which would still be procedurally improper), but rather is a thinly-disguised reply brief.

Plaintiff's "Second Declaration in Support of Opposition" was clearly filed as a further reply to Defendant's reply pleadings. Such a document should not be considered by this Court.

1 The filing of the "Declaration" after the reply is in direct violation of Local Rules. Local Rule
2 7-3(d) provides that "once a reply is filed, no additional memoranda, papers or letters shall be filed
3 without prior Court approval." Instead of properly seeking court approval for the filing of an
4 additional "Declaration", Plaintiff simply filed its Declaration without permission.

5 However, Plaintiff's only mechanism for requesting court approval to file its additional paper
6 was to move for administrative relief, as provided in Local Civil rule 7-11. Plaintiff failed to properly
7 move the Court to consider its surreply, thinly disguised as a "Declaration in Opposition" to
8 Defendant's Reply Brief. As such, the Declaration should be stricken.

9 If this request is not granted, Defendant will need further discovery on the issue of Plaintiff's
10 domicile and further time to respond.
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12 Dated: July 18, 2008

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14 By: /s/ .
15 Neil Jon Bloomfield
16 Attorney for Defendant Uli Zangpo
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